

310

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED

DATE: October 20, 2009

12:07 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe
Deputy

DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. P1300CR20081339

DATE: October 20, 2009

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney

(Plaintiff)

(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

John Sears

(D-1)

107 North Cortez Street, Suite 104
Prescott, AZ 86301

Larry Hammond

Anne Chapman

OSBORN MALEDON, P.A.

2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012

(For Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Evidentiary Hearing / Oral Argument / Chronis Hearing

Roxanne Tam

START TIME: 3:02 p.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

Defense Counsel presents argument regarding the discovery deadline for today's hearing and requests that the Court limit today's testimony by the State's witnesses.

The Motion regarding the Motion in Limine regarding Dr. Keene is **DENIED**.

Counsel for the State presents argument regarding the motion.

The Court **DENIES** the request to exclude. Counsel may make further objections during testimony.

The rule excluding witnesses is invoked.

At 10:30 a.m., Court and Counsel hold a sidebar, on the record. The Defendant is not present.

Counsel for the State shows the Court a group of photographs.

Defense Counsel objects to the photographs.

The Court **DENIES** the motion for exclusion.

At 10:49 a.m., Court resumes in the Courtroom with the presence of all parties previously present.

Philip Keene is sworn and testifies.

Exhibit 19 is offered. Defense Counsel objects. Exhibit 19 is admitted into evidence with the exception of the last two pages of the Exhibit, which the Court directs shall remain attached to the Exhibit and the Court will disregard those pages. The Court directs Counsel for the State to mark the pages that the Court is to disregard.

Exhibit 15 is admitted into evidence without objection.

Exhibit 18 is admitted into evidence without objection.

Exhibits 4 and 5 are admitted into evidence without objection.

Exhibit 21 is admitted into evidence without objection.

Exhibit 22 is admitted into evidence without objection.

Exhibit 23 is admitted into evidence without objection.

Exhibit 1 is admitted into evidence without objection.

Exhibit 2 is admitted into evidence without objection.

Exhibit 3 is admitted into evidence without objection.

Exhibits 16 & 17 are admitted into evidence without objection.

Continued Hearing is set for **October 28, 2009, at 10:00 a.m.** in this Division. The Court allots the remainder of the day for the hearing.

Defense Counsel requests an expedited transcript of the testimony from today.

Defense Counsel requests that the Court order sealing the exhibits from today's hearing.

The Court directs that the exhibits shall be locked in the exhibit closet in the Division at this time and will not be made available to anyone else. If Counsel need to view the exhibits, they may make arrangements with the Court.

END TIME: 12:07 p.m.

cc: VS (e)
Division 6
Dean Trebesch (Contract Administrator) (PD) (e)
YCSO (e+)